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ABSTRACT

In 1990-91, the Rosebud Sioux Tribe (South Dakota) established a tribal education department (TED) and enacted a tribal education code. Following a regional overview of Indian educational history, this document describes development of the TED and code, tribal education initiatives, schools serving tribal students, and evaluation findings. The TED is an agency of the tribal government, administers and enforces the code, and reports annually on code compliance and student performance and needs. The TED has 2 staff positions--director and Lakota language specialist--and 11 associated staff. The code regulates all schools and education programs on the Rosebud Reservation, including public schools. Major areas of regulation are curriculum and education standards, parental and community involvement, alcohol and substance abuse education, and staffing and teacher training. The code asserts tribal sovereignty over the education of tribal members concurrently with applicable South Dakota law. Driven by specific needs and problems and by code goals, the TED has designed initiatives relating to truancy, Lakota language instruction, early intervention services for young children with disabilities, and parenting education. Among the major evaluation findings are: the TED is funded primarily by tribal revenues and is a widely recognized leader in Indian education; the TED is implementing the code and education initiatives collaboratively with tribal and nontribal educators, officials, and parents; and in the past decade, dropout rates for tribal students have dropped dramatically, attendance rates have improved, but little progress has been made on student achievement levels. Recommendations address funding and staffing needs; issues of legal jurisdiction among tribal, state, and federal governments; and accountability. Data tables and figures detail dropout rates, performance indicators, and funding. (SV)

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ED 463 910

EXTERNAL EVALUATION FINAL REPORT

ROSEBUD SIOUX

TRIBAL EDUCATION DEPARTMENT

&

TRIBAL EDUCATION CODE

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April 1999

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Rosebud Sioux Tribe Tribal Education Department Funding Sources

I. INTRODUCTION

To improve the quality of education and educational opportunities for tribal students, the Rosebud Sioux Tribe (**RST**) established a Tribal Education Department (**TED**) in 1990 and enacted a Tribal Education Code (Code) in 1991. The Native American Rights Fund (**NARF**) assisted the **RST** in these efforts. This evaluation assesses the **TED** and its Code implementation efforts to date. The evaluation is intended to help gauge whether and how the **RST** has improved education for tribal students; what guidance and revisions the **TED** and Code need; and whether **NARF** and the Carnegie Corporation will continue to support future such tribal education reform efforts.

Although tribal assertion of sovereign regulatory authority over education is still in its infancy and no assessment models or standards exist, this evaluation has ascertained the initial progress and problems of the **RST's** precedent-setting attempt. In so doing, this evaluation:

- describes the history and current picture of education on the **RST's** Reservation (Reservation) and the advent of the **TED** and the Code as the means to improve Reservation education;
- sets forth findings regarding the **TED** and the Code's impact on Reservation education; and
- presents recommendations for improving the effectiveness of the **TED** and its Code implementation.

The evaluation was conducted during the summer and fall of 1998 with this Final Report presented to the **RST** and **NARF** in April 1999. This is the first-ever independent and formal assessment of a tribal education department and tribal education code. While there are other tribal education departments, their responsibilities differ markedly from those of the **RST** or their Code implementation is not as far along as that of the **RST**. The **RST's** efforts to impact positively the course of education for tribal students and this evaluation of those efforts thus both mark firsts in this area of tribalizing Indian education.

The problems in Indian education are well-documented. This and the unprecedented nature of the **TED** and Code — tribal government involvement, coordination, and regulation — make this evaluation of great interest and significance to other tribes and non-tribal governments. Throughout the evaluation, "lessons learned" are offered to help tribal and non-tribal governments and other interested parties determine whether tribal education departments and codes are viable means of improving Indian education.

II. EXECUTIVE SUMMARY

Major Findings

- The **RST** established a **TED** whose operations are funded primarily by tribal revenues and whose leadership efforts are widely recognized by tribal and non-tribal governments, schools, officials, parents, and students

- The **RST** enacted the Code and the **TED** is implementing the Code and other tribal education initiatives on the Reservation primarily through cooperative and collaborative efforts

- Since the **TED** was established and the Code was enacted, the drop-out rates for grades nine through twelve in the tribal and public schools serving tribal students have declined substantially

- Since the **TED** was established and the Code was enacted, the graduation rates for grades nine through twelve in the tribal and public schools serving tribal students have increased substantially

- Since the **TED** was established and the Code was enacted, little progress has been made regarding tribal student academic achievement levels

Major Recommendations

- Funding and staffing for the **TED** should be increased to accelerate Code implementation

- Issues of legal jurisdiction among the tribal, state, and federal governments over Indian education should be clarified to facilitate the **TED's** Code implementation efforts and protect the **RST** in the event that collaboration breaks down

- For direction and accountability, the **TED** should develop and follow a long-range operations plan with goals and performance measures

- The **RST's** efforts in improving educational opportunities for tribal students by reducing their drop-out rates and increasing their attendance and graduation rates should be expanded into areas of student educational attainment and academic achievement levels

- For future external monitoring and assessment, models, standards, and analyses for tribal education departments and codes should be developed, reviewed, and refined

III. EVALUATION PROCEDURES - BACKGROUND AND CHALLENGES

With funding from the Carnegie Corporation, **NARF** contracted with RJS & Associates, Inc. (**RJS**) for this evaluation. The major questions driving the evaluation were:

- What are the strengths and weaknesses of the Code itself?
- How well has the **TED** done at implementing the Code?
- What impact have the Code, its implementation, and the **TED** had upon the education of tribal students on and near the Reservation?

As noted in the Introduction, this is a "first-of-its-kind" evaluation in an area of great importance to tribes and Indian education. The evaluation techniques are novel as well. In preparing for and effectuating this evaluation, **RJS** has had to rethink many of its traditional evaluation methods and use options that are tailored to the **TED** and the Code.

In reviewing the Code and **TED**, **RJS** encountered a cutting-edge tribal regulatory and operational framework. We are aware that some other tribes have followed the **RST's** lead in developing tribal education codes, but none have done so by the same process as the **RST,** and none are implementing codes as comprehensive as that of the **RST**. Additionally, the **RST's** education improvement efforts often include initiatives and collaboration that are not conducive to documentation.

As such, **RJS** had to plow new ground and design data gathering and analysis procedures that fit this unique legal and educational structure and situation. Since no other tribe has tried a regulatory effort like this, **RJS** considered comparing the **RST's** efforts to those of a state or states. But unlike tribes, the existence of state regulatory authority over education is well-established and accepted. State authority is typically questioned only in instances of specific application (*e.g.,* challenges to a negative state audit or accreditation report). Hence, no positive models were available there, either.

RJS therefore focused its assessment on data and information that was available or could be readily gathered on the Reservation within the time-frame of this evaluation. **RJS** also relied on its extensive experience in Indian education and knowledge of federal Indian policy and tribal governments. The data and information was then compiled and analyzed without the benefit of comparison to existing models, standards, or analyses for a tribal education department or tribal education code.

Ultimately, **RJS** was able to identify and evaluate information provided by schools and other educational institutions that linked the **TED** and Code-related action to measurable impacts on and progress for tribal students. This is shown in the improved student attendance and graduation rates and decreased drop-out rates at the tribal and public schools that worked with the **TED** on Code implementation.

IV. DESCRIPTION OF THE TRIBAL EDUCATION DEPARTMENT AND CODE

A. Geographics and Demographics of the Rosebud Sioux Tribe and Reservation

The Treaty of Fort Laramie in 1868 between the **RST** and the United States provided for a 3.2 million acre reservation for the **RST**. Acts of Congress in the early 1900s substantially reduced these treaty-reserved land holdings. The Acts also have been held by the United States Supreme Court to have disestablished the original Reservation boundaries. *Rosebud Sioux Tribe v. Kneip*, 430 U.S. 584 (1977).

Today, the Reservation boundaries are contiguous with Todd County, a political entity of the State of South Dakota. The Reservation and / or Todd County encompasses 1,388 square miles or 958,000 acres. About 580,000 acres (60%) is held in trust by the federal government for the **RST** or tribal members. The remaining acreage is held primarily in fee simple by Indians, non-Indians, and the state and federal governments. An additional 500,000 acres of Indian trust land are located outside Todd County but within the original boundaries of the Reservation.

The total population of the **RST** is over 31,000, making it among the largest five tribes in the United States. Over 18,000 tribal members live on the Reservation or on Indian trust lands within the original Reservation boundaries. The total population of Todd County is over 15,000, about eighty percent of whom are Indian.

The checkerboard land holdings and mixed population present situations of concurrent and often overlapping jurisdiction among the tribal, federal, and state governments generally, and especially with respect to education.

B. History of the Governance of Reservation Education

1. Pre-European / American Contact: Traditional Lakota Ways

Historically, the **RST** had total responsibility for educating tribal members and improving their livelihood. Primarily through the extended family system, all children were given daily and continuing instruction in survival skills, living in harmony with other people and nature, spiritual values, and family kinship and tribal relationships. Some children received special healing, spiritual, and leadership training from adults and elders. These education processes and content were effective as evidenced by the **RST's** thriving culture and economy before contact with non-Indians.

2. The Treaty and Allotment Eras: Federal and Religious Schools

By the 1800s, the growing non-Indian population threatened tribal traditions. In treaties with the United States, the **RST** and many other tribes were forced to cede land

to the United States in exchange for, among other things, schools, teachers, and educational materials. Throughout the 1870s, 1880s, and 1890s, tribal students were required to attend federal boarding schools located on and off the Reservation or parochial schools — Episcopalian, Jesuit, and Franciscan— which received federal land grants and funding to locate and operate on the Reservation.

By 1880, the prevailing federal policy was to "civilize" Indians and assimilate them into American society. This was accomplished largely by breaking up tribal reservations into individual Indian landholdings called "allotments." It was also accomplished through education. The boarding schools were operated similarly to United States military academies. The parochial schools were dominated by Euro-Christian religious instruction. Both systems stressed vocational training and Anglo-American values. They actively and harshly sought to eliminate tribal languages, cultures, and spirituality. Historical and contemporary reports and studies widely acknowledge that these education efforts left many Indian students physically and emotionally damaged.

3. The Reorganization and Termination Periods: Public Schools

In the 1920s and 1930s, the federal policies of allotment and assimilation were abandoned. Instead, federal Indian policy generally recognized and encouraged tribal governments and land bases. With respect to Indian education, however, responsibility was largely transferred to the now predominant state public school systems which Indians were required to attend. Only a few federal Indian boarding and day schools remained. Public schools throughout the country contracted for federal funding to educate Indians. Public school curricula were uniformly Anglo-American, regardless of the tribal student population.

In the 1950s, federal Indian policy shifted again, this time to "terminating" the government-to-government relationship between the United States and tribes. Termination was an effort to reduce the federal role in Indian affairs and to acculturate Indians into mainstream American society. Thus, federal Indian education policy continued to emphasize public schools. When the public schools lobbied for increased federal funding, the Impact Aid Laws, Public Laws 81-874 and 81-815, were amended to add Indian lands to the federal lands for which subsidies are provided because they are exempt from state taxation. On the **RST's** Reservation, the few remaining federal Indian schools were transferred to public school systems that became large recipients of Impact Aid funding. Research and reports, however, were beginning to question the suitability of public school education for tribal Indians.

4. The Self-Determination Years: Indian Education Programs, Contract Schools, and Tribal Colleges

The 1970s brought yet another federal policy — Indian self-determination. A major component of the self-determination policy was educational assistance to and control of education by Indians. Existing federally-funded education programs were expanded to

include tribes as grantees. New federally-funded programs were established, some of which were based on the unique cultural and academic needs of Indians and the unique political status of tribes. Tribes could contract for the funding and operation of schools and education programs formerly administered by the federal government. In 1978, federal law recognized and funded tribal colleges.

The **RST** actively reaped the self-determination education benefits. The **RST** already operated a large Head Start Program. Now, funding for and operation of other programs and schools were sought. The **RST** contracted the St. Francis Indian School as well as the administration of Johnson O'Malley Indian education funding and higher education scholarships. Sinte Gleska University (**SGU**), the **RST's** college, was founded in 1971. In 1980, **SGU** was the first tribal college in the country accredited as a four-year college, and in 1988, it was the first tribal university accredited to award up to masters degrees in education.

5. Tribal Education Law and Policy

In the 1980s, tribes furthered the federal self-determination policy into a growing tribal sovereignty movement. For the **RST**, a critical component of its self-determination and sovereignty was Indian education. In 1980, a Tribal Education Committee (**TEC**) was established by tribal law as a standing committee of the Tribal Council, the legislative branch of the tribal government. The **TEC** was charged with establishing a tribal education department and developing a tribal education code.

The **TEC** examined in-depth the whole picture of Reservation education, from the success of **SGU** to the disappointing drop-out rates and achievement levels in elementary and secondary schools. It was apparent to the **TEC** that Reservation education had become fragmented. Various providers, entities, and programs offered tribal students different education curricula, teaching methodology, and goals. By the late 1980s, the **TEC** had definite ideas about the role that tribal government and sovereign regulation could play in coordinating and improving Reservation education.

C. Background on the Tribal Education Department and the Code

In 1987, the **RST** requested **NARF's** legal assistance in establishing its education department and developing its education code. **NARF** accepted the request and in 1988, provided a legal opinion on the **RST's** authority to regulate all aspects of education within the **RST's** territory. While generally supportive of tribal authority, **NARF** cautioned: 1) about the many legal complexities and uncertainties associated with tribal governmental and territorial jurisdiction in Indian education; 2) that few, if any, models of tribal education departments and codes existed; and 3) that federal resources available to support tribal education departments and codes were scarce.

Research and planning by the **TEC** and **NARF** nevertheless proceeded. They

agreed that the Code could supplement existing federal and state law and policy, particularly in the areas where the **RST** viewed non-tribal law and policy as not meeting the needs of tribal students. By 1989, the **TEC** had approved a draft code for review and comment by tribal and non-tribal schools, other educational institutions, officials, and parents. In 1990, the Tribal Council appropriated $30,000 to hire a Tribal Education Director. The extensive Code review and revision process was completed, public hearings were held, and the Tribal Education Code was enacted into law in October 1991.

D. Overview of the Tribal Education Department and the Code

1. The Department

The Code establishes the **TED** as an agency of the tribal government. The **TED** is charged generally with administering and enforcing the Code. The **TED** must report regularly to the Tribal Council, which is the governing and policy determining body for the **TED**. **TED** reporting must include an annual State of the Reservation Education Report (**SRE**). The **SRE** must include data on Code compliance by schools and other educational institutions and on student performance and needs. The **TED** also must act as a liaison among tribal government, schools and educational institutions, and parents and students, and must advocate for tribal education with the federal and state governments.

Since it was established, the **TED** has had two staff positions. Originally, there was a Director and a Secretary / Administrative Assistant. Presently, the Secretary / Administrative Assistant position has been replaced by a Lakota Language Specialist. The two positions have always been funded by tribal revenues.

Since established, the **TED** has had the same Director, Sherry Dawn Red Owl. At present, eleven other positions are associated with the **TED** and supervised by the Director. These include Truancy Intervention Officers and Parenting Education Specialists. While not required by the Code, these positions have resulted from the **TED's** establishment and they address specific tribal education needs as well as the overall goals of the Code.

2. The Code

The Code regulates all schools and education programs on the Reservation — tribal, federally-funded, and state. The schools and education programs are expected to comply with the Code and report their compliance to the **TED**. The major substantive areas of Code regulation are curriculum and education standards, parental and community involvement, alcohol and substance abuse education, and staffing and teacher training. The **TED** is to develop or oversee the development of tribal programs in these areas.

The substantive areas are intended to be the primarily means by which the **RST** addresses and improves student performance. In short, the Code reflects the view of the

RST that tribal curricula, particularly language and cultural curricula, parental involvement, and Indian teachers will help more students stay in school longer and perform better. The Code also reflects the **RST's** view that the **TED** is in a unique position to coordinate the various Reservation education resources and focus on specific and long-term Reservation education problems and progress.

The Code asserts the **RST's** sovereign authority — as recognized by federal law -- over the education of tribal members concurrently with applicable law of the State of South Dakota. The Code provides that compliance by the public schools with substantive tribal regulation such as tribal curricula will be enforced and evaluated jointly by the **TED** and the State. However, to the extent that the Code conflicts with state law, the Code provides that the Code, not state law, shall govern. To date the legal authority and scheme of the Code have not been conclusively resolved or even tested in any judicial forum. Rather, collaborative efforts have been used to accomplish Code implementation.

3. Tribal Education Initiatives

The **TED** has developed or assisted in the development of several initiatives that are driven by specific needs and problems in Reservation education and within the goals of the Code. By the time the Code was enacted, truancy in both public and tribal schools had reached a crisis level. The **RST** had a compulsory school attendance law, but no agency to enforce the law. In FY 1994, the **TED** designed a Truancy Intervention Project (**TIP**) and secured appropriations from the **RST's** federal funds for general tribal government operations to implement the **TIP**.

In another area, the Code requires schools and other educational institutions to provide instruction in Lakota language. Some schools, however, were uncomfortable developing Lakota language courses without significant tribal participation. The **TED** created a Lakota Language Renewal Project (Lakota Wowaglaka Wounspe) within the **TED.** This Project provides technical assistance to schools and other educational institutions in Lakota language instructional content, methodology, and assessment. The Project also conducts Lakota Language Immersion Programs in tribal communities to assist families in restoring the Lakota language to primary usage. The Immersion Programs then provide reinforcement to instruction in schools and other educational institutions.

The Individuals with Disabilities Education Act (IDEA), Public Law 91-230, places shared responsibility for services to infants and toddlers with disabilities on states and tribes. Tribes may identify, diagnose, and provide prevention and early intervention services to infants and toddlers with disabilities and direct services to their families. Early identification and intervention services have proved beneficial in transitioning these children into formal education settings. When the Code was enacted, the **RST** had no agency to provide these services. The **TED** designed a Tribal IDEA program which collaborates with non-tribal agencies and schools. The **TED** manages the program,

including a Tribal Parenting Education Program component that focuses on prevention of disabilities and early childhood development training for families.

V. DESCRIPTION OF ELEMENTARY AND SECONDARY SCHOOLS SERVING TRIBAL STUDENTS

A. Todd County Public School District

The boundaries of the Reservation are contiguous with those of Todd County and the Todd County School District. The District is governed by a five-member school board and consists of eight elementary schools, one middle school, and one high school. The composition of the elementary schools ranges from 100% Indian to 100% non-Indian.

Todd County is the largest single provider of education on the Reservation. About sixty percent of tribal elementary and secondary age students are enrolled in Todd County. In 1998-1999, the total enrollment in Todd County schools is 2,126. About ninety percent of these students are Indian.

Todd County's total operating budget is about $12 million. The significant categories of federal funding to Todd County include Impact Aid, Johnson O'Malley, Title I, Title VII, Title IX, and 21st Century Community Learning Centers. In 1992, Todd County hired the first Indian Superintendent of any public school district in South Dakota. Dr. Richard Bordeaux still serves as Superintendent and is an enrolled member of the **RST**.

B. St. Francis Indian School

In 1970, the **RST** contracted the operation of this former parochial school, and has maintained it since as a kindergarten through grade twelve tribal school. The **RST** charters the governance of St. Francis to an Indian parent corporation, Sicangu Oyate Ho, Inc., which in turn elects an eight-member school board. In 1998-1999, enrollment at St. Francis is 680 students. About ninety-nine percent of the students are Indian.

St. Francis presently receives about $4.3 million in annual federal funding. In 1990, St. Francis was elevated under new federal law from the status of contract school to grant school. As a grant school, St. Francis is eligible to receive its federal funding up-front and annually, rather than on a quarterly basis. It is also permitted to invest the funding and receive and use the interest on that investment. The current Chief Executive Officer (and all past CEOs) of St. Francis is an enrolled **RST** member.

C. White River Public School District

White River School District is located in the northwest portion of the territory within the original Reservation boundaries. After Todd County and St. Francis, White River is the

largest provider of elementary and secondary education for tribal students. In 1997-1998, total student enrollment in White River schools was 445. Of these, 336 (75%) were tribal members. At present, the annual operating budget for White River is $4.1 million. The current Superintendent is an enrolled member of the Crow Creek Sioux Tribe.

D. Other Schools

Several other South Dakota public school districts located within or near the original Reservation boundaries serve tribal students. These include Winner, Bonesteel / Fairfax, Gregory, Wood, and Burke. Some tribal students attend public schools in the State of Nebraska, which is adjacent to the southern border of the Reservation. Many tribal students attend public schools in Rapid City, South Dakota. Other elementary or secondary schools located on the Reservation include Rosebud Christian School, White Eagle Academy, and the Grass Mountain Demonstration School. These schools are not included in this evaluation for various reasons, including: the small percentage of tribal students served by the schools, the infancy of the schools, or the minimal resources available to the **TED** to work with the schools.

VI. FINDINGS

A. Tribal Education Department

1. The RST has established and does fund and operate a TED

The **TED** was established in FY 1990. The Tribal Council has appropriated substantial tribal revenues to fund **TED** operations. Appropriations are based largely on the Director's proposed budgets and appropriations requests. In ten years, annual appropriations have ranged from $30,000 to $93,000. *See* Appendix. The average annual appropriation has been $68,300. This is significant because direct federal funding for tribal education departments is non-existent and **RJS** knows of no other tribe that funds a tribal education department like the **RST's** from tribal revenues. However, the level of tribal funding is insufficient for the **TED** to implement the Code fully.

2. The TED Director understands the Code and directs its implementation

The **TED** was intentionally established before the Code was enacted so that the Director could be involved in reviewing and finalizing the Code. This chronology has proved extremely helpful to the Director's understanding of the Code. Since enactment, the Code has been implemented primarily under the direction of the Director, with minimal policy determination by the Tribal Council. A decade of the same person serving as Director has provided continuity and credibility.

3. The TED has consistently and increasingly obtained funding for tribal education needs and initiatives

In FY 1994, the **TED** succeeded in obtaining $33,000 for the **TIP** from the **RST's** federal funding for tribal governmental operations. From FY 1994 to FY 1999, this funding continued at an average annual level of about $83,300. *See* Appendix. Also in FY 1994, the **TED** succeeded in obtaining $7,600 in federal funding under the IDEA for an Infants and Toddlers with Disabilities Program. This funding has continued annually and increased monumentally to its present level in FY 1999 of $947,000. *Id.*

In FY 1995, the **TED** succeeded in obtaining $250,000 from tribal gaming revenues for school clothing and scholarships. This earmarked funding has continued and it is presently also designated for the Lakota Language Renewal Project and the Rosebud Alternative Program (**RAP**), a grades seven through twelve alternative school operated jointly by the **TED**, St. Francis Indian School, and the Todd County School District. *Id.*

These initiatives are not directly provided for by the Code. They do address specific tribal education needs. They are consistent with the overall goals of the Code to improve educational opportunities for tribal students and link formal education with families and communities. However, they require a great deal of planning and coordination by the **TED**. As such, they increase the Director's work load and stretch thin the **TED's** resources. In some instances, the **TED** has been able to delegate or transfer oversight or operation of the initiatives after start-up.

4. The TED has implemented the Code reporting provisions with some difficulties

The **TED** does gather Code compliance information and other education data annually for the **SRE** Report. The Report, however, has not been regularly published due to lack of funding. This is detrimental because the **SRE** is the major Code compliance indicator and a guide for tribal education progress and needs. In general, the schools and other educational institutions have complied with the **TED's** requests for data and information, especially the Todd County School District, St. Francis Indian School, and the White River School District. The **TED** has recently encountered resistance from at least one public school district and the **RST** is reviewing this situation. In addition, the **TED** has struggled with record keeping definitions and procedures which are not standard from school to school and sometimes even within a school. Changing definitions and procedures is difficult. However, the need to obtain data in standard formats for accurate tracking and comparison is great.

The **TED** has established a computerized data base for a Tribal Student Tracking System. This useful and creative System follows individual tribal students in all schools and other educational institutions. The System provides helpful information for the **TED** regarding individual students and families, and assists in overall education planning,

coordination, reform, and advocacy. However, there is at present no effective means by which updates on or amendments to data from the schools and other educational institutions are timely and accurately transmitted to the **TED**.

5. Addressing unforseen problems and "troubleshooting" take a large amount of TED resources

The **TED** has addressed several unforseen problems and has had to "troubleshoot" other situations in Reservation education. These range from overseeing a two-year overhaul of a major program such as Tribal Head Start to resolving specific conflicts between federal agencies and tribal grantees over Indian education funds. This work has been largely successful, thus showing the **TED's** capabilities. However, the work also has added duties to the **TED's** small staff and decreased **TED** attention to Code implementation.

6. The TED has helped schools and other educational institutions to develop their own initiatives

The **TED** has helped develop and implement several initiatives that are operated by schools and other educational institutions. These include the Grass Mountain Demonstration School, the Freshman Academies, and the **RAP**. While not directly provided for in the Code, these initiatives relate to overall Code goals. In most instances, they require creative brainstorming and intensive up-front collaboration among the **TED**, schools, and other educational institutions.

7. The TED has become a recognized leader in Reservation education

Tribal and non-tribal governments, schools, officials, parents, and students accept and acknowledge the **TED** as a leader in Reservation education. Much of this recognition is due to Code implementation and initiatives which require coordination and collaboration with schools and other educational institutions. Some schools and other educational institutions now regularly include the **TED** in their planning, processes, and problem-solving. Recognition is also due to the Director's consistent attendance at meetings of schools and other educational institutions. The **TED** Director also serves on the South Dakota Congressional Youth Awards Council and at present is the Chairperson of the congressionally-mandated National Advisory Council on Indian Education. This broad recognition is critical to successful Code implementation.

8. TED and Code effectiveness are limited by entrenched attitudes and ways

Tribal and non-tribal governments, schools, and other educational institutions rely heavily on their existing staff and long-standing policies and procedures. The Code was

intended primarily to supplement, not replace, existing staff and policies and procedures. While there has been cooperation in Code implementation generally, there are also instances of resistance and adherence to the adage that "change occurs slowly."

9. The TED lacks an overall long-range plan

The **TED** does not have an overall long-range plan with performance measures. Such a plan would not solve matters such as limited resources, additional duties, and unforseen problems. It would, however, help the **TED** implement the Code and prioritize its resources. It would also provide a basis for internal monitoring and accountability and for external evaluation.

B. The Tribal Education Code

1. The RST developed, enacted, and is starting to implement the Code

When the Code was being developed, there were no models of other tribal education codes. Since the Code has been enacted, a few other tribes have adopted education codes or plans. **RJS** knows of no other tribal education code that is as comprehensive or as far along in implementation as that of the **RST**.

2. The collaborative Code development process has facilitated Code implementation

The Code development process included a large network established by the **TEC** and **TED** of tribal and non-tribal officials, educators, and parents. The network provided input and communication. The **TEC** and **TED** hosted discussion and drafting sessions with schools and other educational institutions on key Code sections. Though time and resource consuming, this development process was intended to directly and extensively involve entities and individuals affected by the Code and help set the stage for cooperative and collaborative implementation work. This strategy has enabled implementation and helped to avoid disputes over the legal jurisdictional questions regarding Indian education.

3. Most schools and other educational institutions have complied with Code reporting requirements

A major feature of the Code is its reporting requirements, particularly with respect to data on student performance, progress, and needs. Since the Code's inception, most schools and other educational institutions have furnished the requisite data and information to the **TED**. The data initially provided have become the baselines for improvement. For some schools and years, data is incomplete. Lack of regular data provision or incomplete data hinders the **TED's** reporting and tracking efforts.

4. Legal jurisdictional questions have hindered implementation of certain Code sections

The **RST** was apprised of the legal complexities and uncertainties surrounding governmental jurisdiction over Indian education. The Code was designed to be implemented in a cooperative and collaborative manner guided by an overall respect for mutual goals of improving the quality of education and educational opportunities for tribal students. Cooperative and collaborative implementation has proved successful and may be the best means of future implementation.

In some instances, however, the lack of legal clarity has hindered timely, full, or effective implementation of certain Code sections such as reporting and tribal curricula. Judicial enforcement of any Code sections against non-members of the **RST** has not been attempted. Resolution of the jurisdictional questions in favor of tribal authority would help Code implementation generally and in the event that cooperation or collaboration break down.

5. The Code lacks prioritization within itself

The Code does not prioritize its provisions. For example, the Code does not direct the **TED** about which of its substantive areas — for example, reporting, tribal curricula, or parental involvement — is the most important, or in what order they should be addressed. Nor should the Code so prioritize, for that likely would be at the expense of needed overall structure and flexibility. However, given the scarcity of financial and staff resources, the **TED** could benefit from a long-range plan that is consistent with the Code. The plan could set and help guide the priorities for future Code implementation.

6. Implementation of Code curriculum and education standards provisions has begun

Most of the implementation of the Code tribal education standards provisions has occurred in the Todd County School District. In 1997, Todd County finalized and adopted Lakota Studies Standards for grades kindergarten through twelve. The tribal education standards development process was a very collaborative effort among the District, the **TED**, and **SGU**. State and national standards were reviewed and then adapted to meet the needs of **RST** students. In the summer of 1998, Todd County began integrating the tribal Lakota Studies Standards into its regular curriculum. The **TED** and Todd County are currently working on the development of tribal Lakota Language Standards.

Work has also begun on the development of tribal Lakota Studies Standards for St. Francis Indian School and White River School District. The process by which the tribal standards for Todd County were developed and the benchmarks used there have proved to be a good model for work at other schools and educational institutions.

7. Impacts on staffing and teacher training have been made by initiatives, not by direct Code provision implementation

Lack of resources have greatly hindered the implementation of Code provisions regarding staffing and teacher training. In the late 1980s and early 1990s, the **TED** worked intensely with **SGU** to plan and develop tribal teacher recertification courses. Courses were designed in four areas: Indian Studies, Rosebud Lakota History and Culture, Teaching Methodology for Lakota Students, and Teaching the Exceptional Child in the Regular Classroom. The **TED** secured agreement from the South Dakota Department of Education that these courses would satisfy state teacher recertification requirements. However, tribal teacher recertification work has since laid dormant because no resources have been available to maintain it.

The **TED** nevertheless has made some impact on staffing and teacher training with initiatives such as the Lakota Language Renewal Project, by providing occasional in service training, and by working with individual schools and other educational institutions to establish tribal educational standards.

8. The Code parental and community involvement provisions have been implemented

The **TED** has developed Tribal Parenting Education Programs and provides in service training for parents in accordance with the Code. The **TED** has also participated in the development of School Improvement Councils at Todd County, St. Francis, and White River schools that are comprised primarily of tribal parents. It is not expected that compliance or enforcement of these Code provisions will be a problem in the future. However, this is a substantive area of the Code that could benefit from clarification with respect to enforcement or recourse if compliance became an issue in the future.

9. The Code provisions on alcohol and substance abuse prevention education have not been implemented

Virtually no implementation of Code provisions has occurred in this area due to a lack of resources. The **TED** has gathered and reviewed the alcohol and drug abuse prevention education policies of some schools and other educational institutions, and has identified the lack of testing and background checks for staff as an area of concern.

10. The Code lacks specific provisions regarding early childhood education

While "early childhood programs" are within the definition of "other educational institutions" regulated by the Code, there is no specific Code section on early childhood education. For several reasons this omission seems curious. Education and nurturing of children in their early years after birth is very much a part of Lakota tradition. The **RST** has

long operated a Head Start Program which, in 1998, received national recognition as one of the Top Ten Head Start Programs in the country. Significant resources have been obtained for tribal Infants and Toddlers with Disabilities Programs.

C. The TED and Code have Positively and Substantially Impacted Educational Opportunities for Tribal Students

Since enactment of the Code, the graduation rates for students in grades nine through twelve have increased at Todd County from 48% to 72% and at St. Francis from 24% to 69%. At the same time, the drop-out rates for students in these grades have decreased at Todd County from 11% to 7.6% and at St. Francis from 36.5% to 7%. Also during this same period, there have been modest improvements in the attendance rates for students in grades nine through twelve at both Todd County and St. Francis. This data is displayed by tables and graphs on the following pages in this Part of this evaluation.

While this data is not limited to tribal students, the percentages of tribal students in these schools are 90% (Todd County) and 99% (St. Francis). The **RST** has made a priority of addressing student attendance and the correlative drop-outs and graduations directly through the **TIP**. Indeed, the data shows that from 1989 to 1993, improvements in drop-out and graduation rates at Todd County and St. Francis were modest. Since the inception of the **TIP** in FY 1994, the changes have been substantial. Interviews with schools and other educational institutions for this evaluation confirmed that the **TIP** and other **TED** efforts have helped in this area. The data and interviews lead to the conclusion that these improvements in educational opportunities are attributable to **TED** operations and Code implementation.

D. The TED and Code have Not Impacted the Quality of Education for Tribal Students To Date

As shown by the tables and graphs on the following pages, since enactment of the Code, reported achievement scores for Todd County, St. Francis, and White River schools have changed little. This leads to a conclusion that the **TED** and Code have had virtually no impact on tribal student education quality. However, increases in attendance are necessary for improvements in achievement. Additionally, achievement is less subject to direct tribal control than attendance. Nevertheless, key sections of the Code such as tribal curricula and teacher training are aimed at improving achievement levels, but they have yet to be implemented. Todd County has only recently adopted and integrated tribal education standards in Lakota Studies. It is far too soon to conclude what impact the **TED** and Code could have on educational quality for tribal students if given the time and chance.

Todd County High School Student Performance Indicators 1989-1998					
Year	Drop-Out Rate	Attendance Rate	Graduation Rate	11th Grade Achievement (NCE)	
				Reading	Math
1989-90	11%	89%	48%	42.5	43.0
1990-91	15%	87%	52%	37.0	40.0
1991-92	14%	88%	47%	39.0	39.0
1992-93	11%	81%	42%	32.0	29.0
1993-94	12%	89%	51%	37.0	31.0
1994-95	7.3%	90%	62%	40.0	43.0
1995-96	6%	91%	61%	39.2	42.8
1996-97	No Information On File				
1997-98	7.6%	97%	72%	40.5	39.7

Source: School Reported Data

St. Francis High School
Student Performance Indicators
1989-1998

Year	Drop-Out Rate	Attendance Rate	Graduation Rate	11th Grade Achievement (NCE)	
				Reading	Math
1989-90	36.5%	72%	24%	18.0	19.0
1990-91	32%	67%	27%	26.1	30.9
1991-92	48%	74%	31%	29.5	31.9
1992-93	14.7%	79%	42%	23.0	20.0
1993-94	12.8%	77%	52%	32.7	28.9
1994-95	24.3%	74%	61%	36.5	47.1
1995-96	No Information On File	79%	67%	43.6	16.0
1996-97	No Information On File				
1997-98	7%	78%	69%	37.8	12.6

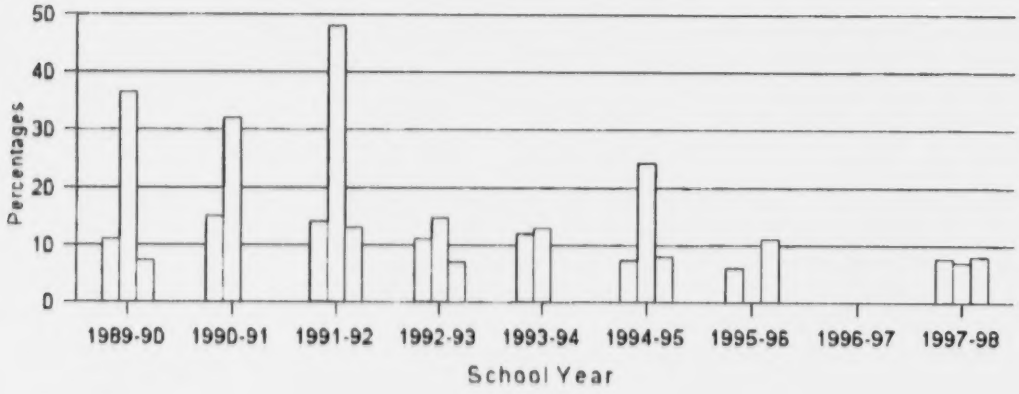
Source: School Reported Data

White River High School Student Performance Indicators 1989-1998					
Year	Drop-Out Rate	Attendance Rate	Graduation Rate	11th Grade Achievement (NCE)	
				Reading	Math
1989-90	7.2%	95.5%	62%	43.0	40.0
1990-91	No Information On File				
1991-92	13%	94%	66%	No Information On File	
1992-93	7%	93%	74%	29.0	45.0
1993-94	No Information On File				
1994-95	8%	88%	61%	38.0	54.0
1995-96	11%	91.6%	54%	48.3	40.1
1996-97	No Information On File				
1997-98	8%	98%	64%	47.8	52.5

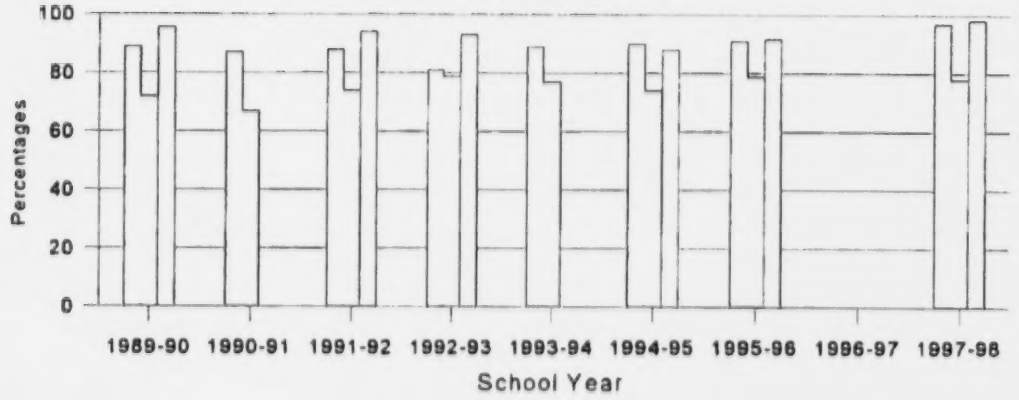
Source: School Reported Data

HIGH SCHOOL

DROP-OUT RATES



ATTENDANCE RATES



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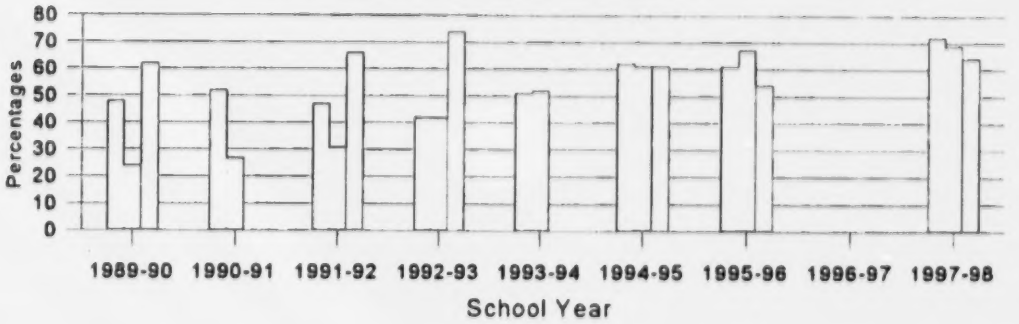
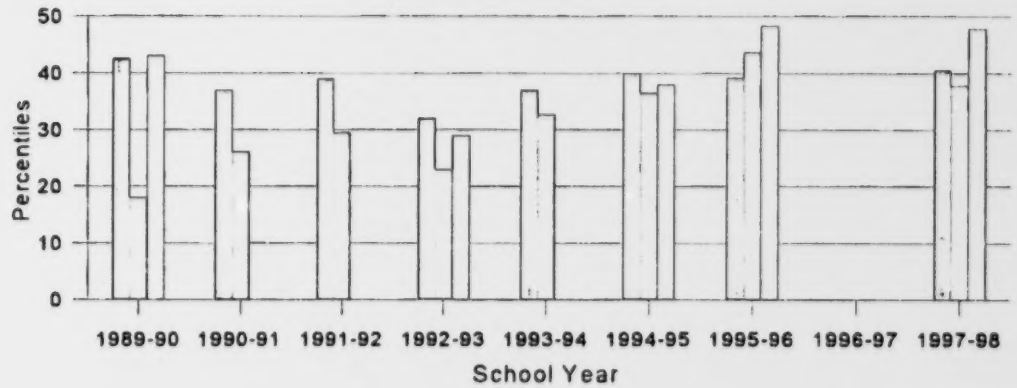


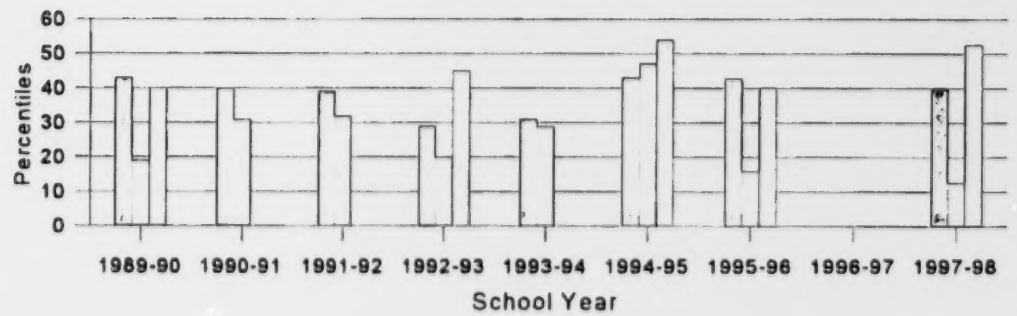
Todd County St. Francis White River

11TH GRADE ACHIEVEMENT (NCE)

READING



MATH



Todd County St. Francis White River

VII. RECOMMENDATIONS

A. **The stable funding for core TED operations needs to increase so that Code implementation and student performance impacts can be expanded.**

B. **The TED should continue moving tribal gaming revenues into Code implementation-type expenditures such as language restoration.**

C. **Annual funding should be obtained for publishing the SRE report. Data from schools and other educational institutions should be standardized. All schools and other educational institutions should provide full data annually.**

D. **For direction and accountability, the TED should develop a long-range operations plan with goals, scheduled actions steps, and performance measures.**

E. **While continuing the present approach to Code implementation, the RST also should be prepared for break downs in cooperation and collaboration and legal challenges to tribal authority.**

F. **The RST should continue to obtain legal advice on questions regarding tribal jurisdiction in education and Code compliance mechanisms.**

G. **Education initiatives should be used as models for implementing Code provisions on tribal curricula and teacher recertification.**

H. **The RST should be prepared to enforce compliance with the Code parental and community involvement provisions if they are challenged by parents, schools, or other educational institutions.**

I. **The RST should take advantage of existing initiatives and funding for pre-school and related parenting programs by amending the Code to include a separate early childhood section.**

J. **The RST should implement the Code provisions on alcohol and substance abuse prevention education as resources become available, and amend the Code to require drug and alcohol testing and background checks for employees of schools and other educational institutions.**

K. **The RST should build on its demonstrated success in reducing tribal student drop-out rates and increasing attendance and graduation rates and begin efforts to increase student academic attainment and achievement levels.**

L. **For future external monitoring and assessment, models, standards, and analyses for tribal education departments and codes should be developed, reviewed, and refined.**

ROSEBUD SIOUX TRIBE TRIBAL EDUCATION DEPARTMENT FUNDING SOURCES (in thousands of dollars)										
	FY90	**FY91**	**FY92**	**FY93**	**FY94**	**FY95**	**FY96**	**FY97**	**FY98**	**FY99**
Tribal Revenues Unrestricted	$ 30	$ 93	$ 75	$ 67	$ 67	$ 67	$ 67	$ 67	$ 72	$ 78
Tribal Gaming Revenues*						$250	$390	$130	$225	$167
General Indian Self-Determination Act Funds for Tribes ('638 - TPA)					$ 33	$ 62	$ 79	$100	$113	$113
Individuals with Disabilities Education Act Funds					$ 7.6	$167	$372	$497	$680	$947

* Restricted to clothing, scholarships, student travel, language restoration (FY98 & FY99), the Rosebud Alternative Program (FY99), graduation or school projects

APPENDIX

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